



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/151497

PRELIMINARY RECITALS

Pursuant to a petition filed August 21, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on September 18, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly terminated Petitioner's Medicaid benefits effective September 1, 2013.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Pang Thao-Xiong, Income Maintenance Worker I
Milwaukee Enrollment Services
1220 W. Vliet St.
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On or about May 17, 2013, Petitioner filed an application for Medicaid benefits based upon a presumptive disability. He also filed an application for regular Medicaid benefits. (Testimony of Petitioner and his mother; Exhibit 2, pgs. 9 and 35)

3. On May 20, 2013, Petitioner was found eligible for Medicaid benefits based upon a presumptive disability. (Exhibit 2, pgs. 9, 27-30)
4. On July 24, 2013, the Disability Determination Bureau (DDB) sent Petitioner a notice indicating that he did not meet the disability requirements to receive Medicaid benefits. (Exhibit 2, pg. 37)
5. On August 12, 2013, the agency sent Petitioner a notice indicating that his Medicaid benefits would be ending effective September 1, 2013. (Exhibit 2, pgs. 31-34)
6. Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on August 21, 2013. (Exhibit 1)

DISCUSSION

Persons between 18 and 65 who are not pregnant and have no children under 19 living with them are generally ineligible for regular medical assistance benefits unless they are elderly, blind or disabled. Wis. Stat. §§ 49.46(1) and 49.47(4); *Medicaid Eligibility Handbook (MEH)* §4.1(1) However, under state and federal regulations, an individual can qualify for Medicaid benefits under a presumptive disability. *Medicaid Eligibility Handbook (MEH)* §5.9.1; see also *Wis. Adm. Code* § DHS 103.03(1)(e).

Presumptive disability is a method for temporarily determining a disability for an individual while a formal disability determination is being made by the Disability Determination Board (DDB). Presumptive Disability is determined either by the DDB, or in some circumstances, by an income maintenance worker. The regular disability application process must still be completed for persons with a presumptive disability. A presumptive disability decision stands until the DDB makes its final disability determination.

It is undisputed that Petitioner received Medicaid benefits under a presumptive disability. The DDB made a final determination on July 24, 2013, finding Petitioner to be NOT disabled for Medicaid purposes. Because the DDB has determined that Petitioner does not meet the legal definition of disabled, he is not eligible for further Medicaid benefits.

Petitioner should note that he can now apply for assistance through the Obamacare Health Insurance Markets/Exchanges. For assistance, Petitioner can call:

1-800-318-2596 or go on-line to www.healthcare.gov

There is also a listing of free and reduce cost clinics at <http://city.milwaukee.gov/medassist/Free-and-Lowcost-Clinics-in-Milwaukee> that Petitioner might find useful.

CONCLUSIONS OF LAW

The agency correctly terminated Petitioner's Medicaid benefits effective September 1, 2013.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative

Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 17th day of October, 2013.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 17, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability